

E

VZ 12/01/00
Control # _____

VZ Use Only

App ID # _____



COLLOCATION APPLICATION
For use in the former Bell Atlantic and NYNEX regions

DATE SENT / /

DATE REC'D / /

(VZ use only)

REVISION # _____ (Please see Section IID)

I. CUSTOMER INFORMATION

1. **Company** _____
Street _____
City _____ **State** _____ **ZIP** _____

2. **Contact Name** (for questions related to this application) _____
Telephone # _____ **Fax #** _____ **e-mail Address** _____

3. **24 Hour Emergency Contact Telephone #** _____

4. **Desired Service Date** _____ / _____ / _____ (in accordance with tariffed intervals)

5. **Percent Interstate Usage (PIU)** _____

6. **Central Office CLLI Code** _____

Street Address _____ **City** _____ **State** _____

7. **ACNA** _____ **AECN** _____

8. Billing Information

Billing Manager Name _____

Company Name _____

Street Address _____

City _____ **State** _____ **Zip Code** _____

TYPE OF COLLOCATION REQUESTED**A. New Collocation Arrangement**

Please indicate the type(s) of collocation you are willing to consider, the associated tariff code under which you are applying (See Appendix A of the Collocation Application Instructions), your order of preference, as well as your desired and minimally acceptable requirements for each option selected on the chart below. Verizon uses this information to best meet your immediate collocation requirements. Please use 1 to 4 to rank the order of preference with "1" indicating your first preference, "2" indicating second preference, etc. (If no tariff is indicated, VZ will assume you are applying under the FCC tariff for all types except CCOE)

Type of Collocation Requested	Tariff Code	Order of Preference	Requirements	Desired	Min
Traditional Physical			Number of Square Feet		
Virtual Collocation			Number of Relay Racks		
SCOPE (Secured Collocation Open Physical Environment)			Number of Relay Racks		
CCOE (Cageless Collocation Open Environment)			Number of Relay Racks		

Note: A front equipment drawing showing the type and location of each piece of equipment (including fuse panels) must be provided for SCOPE and CCOE applications.

B. Augment to an Existing Arrangement

- Type of Arrangement (physical/virtual/SCOPE/CCOE) _____
- Augment Type - Check all that apply
 - ☐ Cable Terminations for DS3, DS1, VG (2W/ 4W) Line Share, Fiber ⇒ Complete Section III
 - ☐ Power ⇒ Complete Section IV
 - ☐ Connection to CATT ⇒ Complete Section XI and XII (NY only)
 - ☐ Pulling in additional fiber facilities ⇒ Complete Section XI and XII
 - ☐ Interconnect via microwave ⇒ Complete Section IV, V, XI, and XII
 - ☐ Addition/Removal of Equipment ⇒ Complete Section V and XII
 - ☐ Software upgrade to a virtual collocation arrangement ⇒ Complete Section V
 - ☐ Contiguous Space ⇒ Indicate number of square feet or bays desired _____
- Tariff Code: _____
(See Appendix A of the Collocation Application Instructions) Must be same tariff as original application unless adding VG or LS to an existing federal arrangement
- 11 Character CLLI Code of the existing arrangement _____

C. Dedicated Cable Support

From CLLI Code _____ To CLLI Code _____

D. Reason for Revision VZ Control # from original application: _____

Note: Revisions to the original application received after the 5th business day will not be accepted. An Augment and the appropriate augment fees will be required.

III. TYPE AND NUMBER OF SERVICES BE CABLED

Services/terminations to be cabled are those that will be run between the demarcation point (POT Bay) and the Verizon distributing frames to support the equipment listed on this application. An application requesting an augment must be submitted for additional service to be cabled. Please indicate the quantity of each type of service required for each type of collocation requested in Section IIA for all desired and minimum configurations. Certain tariffs and products have minimum ordering increments and will be cabled and billed accordingly. Please refer to the Appendix B of the Collocation Application Instructions for ordering increments.

Type of Collocation	DS3		DS1		VG 2W		VG 4W		LS* (Line Share)		Fibers	
	Desired	Min	Desired	Min	Desired	Min	Desired	Min	Desired	Min	Desired	Min
Physical												
Virtual												
SCOPE												
CCOE												
Augment												

Note: Requests for LS terminations should be equivalent to the number of splitters to be installed.

*Please complete Section IX – Additional Requirements for Line Sharing

IV. DC POWER REQUIREMENTS

Please indicate your requirements for –48V Battery & Ground, A & B Supplies for each type of collocation requested for both your desired and minimum configurations. **Please indicate number of Feeds (A & B) and the number of Amps Drain required per Feed.** Verizon will determine the fuse size based upon drain. ((VZ fuses in accordance with industry standards of 1.25 to 1.5 times drain) (VZ bills based on total fused amps – A and B feeds combined)

Type of Collocation	Number of DC Feeds (A & B) (Qty of '1' equals one A & B feed pair)		Number of AMPS Drain/Feed (Qty of '30' equals 30 amps on A and 30 amps on B – Do not add together)	
	Desired	Min	Desired	Min
Traditional Physical				
Virtual Collocation				
SCOPE				
CCOE				
Augment				

Note: When indicating the number of feeds required, a quantity of "1" equals one A & B Feed Pair. When indicating the number of amps drain per feed, a quantity of "30" equals 30 amps on A and 30 amps on B. DO NOT ADD TOGETHER.

V. TECHNICAL EQUIPMENT SPECIFICATIONS

1. **List of equipment, framework (relay racks), and plug-ins to be installed.**

Please specify the manufacturer and model number, DC power drain in AMPS, heat dissipation, dimensions (size), quantity and CLEI (Bellcore Common Language Equipment Identifier) for each piece of equipment and relay rack to be installed. Please complete Attachment B, List of Plug-Ins (Cards) and provide a copy of the product's technical description. **This information is REQUIRED.** For non-conforming equipment contact your Project Manager.

<u>Manufacturer/Model #</u>	<u>Dimensions H x W x D</u>	<u>QTY</u>	<u>DC Power Drain in AMPS</u>	<u>Heat Dissipation</u>	<u>CLEI</u>
-					
-					
-					
-					
-					
F					
-					

2. **Total anticipated equipment load/drain in Amps** _____ (Total of amps above)

3. NEBS Conformance Requirements

All equipment and framework (relay racks) to be installed or placed in Verizon Central Offices must be tested to, and are expected to meet the NEBS family of requirements. ***A properly completed NEBS Conformance Checklist and the supporting data for the Risk/Hazard Related elements for all equipment and framework*** (as identified in the NEBS Equipment Protection Cross-Reference Section of the Verizon CLEC Handbook) ***is required and must be submitted to Verizon Technology & Engineering/Maintenance Engineering. Failure to provide this information may delay processing of this application.*** The NEBS Conformance Check List, detailed instructions and address for submission can be found in the Verizon CLEC Handbook.

Date Submitted to Technology and Engineering/Maintenance Engineering: _____

If the NEBS Conformance Check List and supporting documentation for the equipment to be installed on this application has been submitted with a prior application, please provide the following:

Date Submitted: _____ Location : _____ Control #: _____

(If you do not have the control number of the prior application please provide the 11 character CLLI code)

NOTE: All frames/relay racks must conform to NEBS. Frames/relay racks are not compliant if constructed of non-steel and/or non-welded equipment frame materials. Installation of non-compliant frames/relay racks in any collocation arrangement in any Verizon Central Office is prohibited.

Please indicate if the frames/relay racks to be installed are NEBS compliant: Yes [☐] No [☐]

VI. POT (Point of Termination) BAY REQUIREMENTS (If applicable)

1. If applying for *Traditional Physical* collocation under any tariff (State or FCC 11) in VZ North (CT, MA, ME, NH, NY, RI, and VT) please select one of the following options:

- Option 1 - VZ provides POT Bay and installs in common area
- Option 2 - CLEC provides POT Bay and VZ installs in common area
- Option 3 - CLEC provides and installs in cage

Option Requested: _____

2. If applying for *CCOE* anywhere in VZ, please select one of the following options:

- Option A - VZ provides and installs SPOT (Shared Point of Termination) Bay
- Option B - CLEC provides and installs termination panels within the CCOE arrangement *

Option Requested: _____

*Note: Option B requires coordinated detailed engineering between VZ and the CLEC. Please attach a diagram depicting where the panels will be located within the specific relay rack/bay, each panels assigned number (i.e.: Panel #0001, Panel #0002, etc.) and type/make of termination panels with the quantity and type of connections/terminations (i.e.: punch down or amphenol) that the panels require.

VII. ADDITIONAL REQUIREMENTS FOR TRADITIONAL PHYSICAL COLLOCATION

1. **For FCC (Federal) and DC, DE, MD, NJ, PA, VA and WV State Tariffs Only:**
VZ no longer constructs the wire mesh enclosure/cage under these tariffs. Please indicate if you will be contracting an approved VZ vendor for cage construction:

Standard Cage ☐ Non-Standard Cage (with top) ☐ Cage will not be constructed ☐

VIII. ADDITIONAL REQUIREMENTS FOR SCOPE AND CCOE

1. In addition to the information requested in Sections II & V above, please provide:
 - A. Block diagram/schematic of the equipment layout
 - B. Bay/relay rack dimensions (height, width & depth) needed to accommodate the equipment
 - C. Fuse panel assignment table
 - D. Types of termination panels and connections and the location and numeric assignment of each panel within the arrangement, if electing Option B for CCOE in Section VI above

IX. ADDITIONAL REQUIREMENTS FOR LINE SHARING (LS)

1. Please indicate the option you will be using to deploy line sharing:

Option A – install splitters/filters in my collocation arrangement
Option C – install splitters/filters in Verizon provided relay racks

Option Requested: _____

2. If selecting Option C, indicate if VZ will be designated to install the splitters/filters:
(Note: Verizon must be designated to install splitters/filters in MA, ME, NH, RI & VT)
☐ Yes
☐ No ⇒ indicate VZ approved Equipment Installation Vendor Name in Section XII

X. ADDITIONAL REQUIREMENTS FOR VIRTUAL COLLOCATION

1. In addition to the information requested in Section V above, please provide:
 - A. Block diagram/schematic of the equipment layout
 - B. Bay/relay rack dimensions (if provided by customer*)
*If you will be providing the relay racks, please indicate if the equipment will be delivered pre-installed in the relay racks.
 - C. Outline specification which includes a wiring list
 - D. A front equipment drawing showing where plug-ins are to be installed
 - E. A list of the spare plug-ins that will be provided

2. Will Verizon be designated to install the equipment? Yes _____ No* _____
(Note: Verizon must be designated to install all equipment in MA, ME, NH, RI & VT)
*If no, please indicate VZ approved Equipment Installation Vendor Name in Section XII

3. Is synchronization/timing required? Yes _____ No _____

Indicate type of synchronization/timing _____

4. Spare plug-in cabinet to be provided: New _____ Existing (augments only) _____
 Manufacturer: _____ Model #: _____
5. Tools to be provided: Manufacturer: _____ Model #: _____
6. Test equipment to be provided: Manufacturer: _____ Model #: _____
7. Will a test equipment manual be provided: Yes: _____ No: _____

XI. Method of Interconnection

1. Please indicate the method you will be using to establish your collocation arrangement
- ☐ Lease facilities from Verizon or other non-CATT provider ⇒ skip to Section XII
- ☐ Microwave ⇒ contact your Collocation Project Manager for details and skip to Section XII
- ☐ Lease fiber from a 3rd party provider via a CATT (Competitive Alternate Transport Terminal)
 ⇒ Provide the name of the 3rd party/CATT provider or the 11 character CLLI code of the CATT arrangement and attach an LOA (Letter of Agency) from the CATT provider
 Complete number 3 below for riser cables.
- _____
- ☐ Pulling in fiber facilities via Manhole 0 ⇒ complete 2 – 4 below

2. Cable Information

- A. Desired direction from where cable will originate or desired Manhole 0 location(s). Be Specific.
- _____
- _____
- B. Have Licensing Agreements for this location been established (e.g., conduit)?
 Yes ☐ No ☐ NOTE: If Yes, please provide the following information:
 Contract Number: _____ Manhole "0" Number(s): _____
 Date Your Fiber Will be placed in Manhole "0": _____
- C. Dual Building Entrance Requested (where available): Yes ☐ No ☐

3. Cable Requirements

Feeder

Riser

- A. Number of cables to be placed: _____
- B. Size of Cables (diameter): _____
- C. Number of Fibers per Cable: _____

- D. Number of Fibers to be terminated at the FDF/LGX (Virtual Collocation Only) _____

4. Cable Makeup

- A. Cable Designation and Count: _____
- B. Name of Fiber Manufacturer: _____
- C. Type of Single Mode Fiber Used: _____
- D. Loss Decibels per Kilometer: _____

XII. CUSTOMER'S VENDOR SELECTION

1. Engineering Vendor

Address _____

Telephone Number _____

2. Outside Plant Vendor (Cable Placement)

Address _____

Telephone Number _____

3. Outside Plant Vendor (Cable Splicing)

Address _____

Telephone Number _____

4. Equipment Installation Vendor

Address _____

Telephone Number _____

5. Installation Vendor (Riser Cable)

Address _____

Telephone Number _____

XIII. CERTIFICATE OF INSURANCE

A Certificate of Insurance must be provided for all new sites prior to occupancy.

Certificate Attached: Yes ____ No ____ If Yes, please provide expiration date: _____

If No, date Certificate to be provided: _____

XIV. REMARKS:

XV. LOOP SBN (Special Billing Number) REQUIREMENTS

If applying for collocation in CT, MA, ME, NH, NY, RI or VT please complete the Special Billing Number form found in Attachment A in order to ensure that the appropriate SBNs are established for this collocation arrangement.

Please submit this application, all supporting documentation and applicable application fee to:

Collocation Project Manager
Verizon
125 High Street, Room 509
Boston, MA 02110

E-mail Address: Collocation.applications@verizon.com

NOTE: Failure to provide all requested information and associated documentation may result in delays in the processing of this application.

Attachment A

**REQUEST FOR SPECIAL BILLING NUMBER (SBN)
(CT, MA, ME, NH, NY, RI and VT only)**

1. CLEC Name _____
2. Verizon Central Office CLLI Code _____
3. CLEC 11 Character CLLI code (if known) _____
4. Central Office Street Address _____
 Central Office City _____ State _____ Zip Code _____
5. Please indicate the type(s) of SBNs you wish established (Check all that apply)

SBN Needed	USOC	Types of Loops/UNEs to be ordered
	SVCXL	House & Riser, NID, 2W Analog ULLs, 2W Digital Premium (ISDN)
	UM8SX	2/4W Customer Specified Signaling
	XQLV9	2W ADSL compatible unbundled loop, 2W Digital Designed Metallic Loop (18-30K ft), 2W ADSL/HDSL compatible unbundled loops 12K ft without Bridged Tapped, 2W ADSL compatible unbundled loops 18K ft without Bridged Tapped, 4W HDSL compatible unbundled loops 12K ft without Bridged Tapped, 2W Digital Premium (ISDN) loops with ISDN range electronics
	XQLW9	2W HDSL compatible unbundled loops 12K ft
	XQLY9	4W HDSL compatible unbundled loops 12K ft
	X2UXL	2W analog M/V Loops
	S4VXL	4W analog Loops
	X4UXL	4W analog M/V Loops
	XAUXT	2W digital M/V Premium (ISDN) loops, 2W/4W ADSL/HDSL M/V Loops

(M/V = loops that go from a virtual collocation arrangement or from a mux)

(VZ Use Only)

Control # _____

App Type _____

Attachment B**List of Plug-Ins (Cards)**

List all types of cards that will be used for each system. Use a separate sheet for each different system/shelf

1. CLEC Name _____

2. Contact Name (for questions related to this attachment) _____

Telephone # _____ Fax # _____ e-mail Address _____

Shelf/System

Manufacturer:	Model Name/Number:	Part Number:
---------------	--------------------	--------------

Plug-Ins (Cards) to be Installed in Above Listed Shelf

List only one of each type

Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number
Model/Name	Part Number

Remarks

F

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cumulative Report on Application	:	
of Verizon Pennsylvania, Inc., For FCC	:	Docket No. M-00001435
Authorization to Provide In-Region,	:	
InterLATA Service in Pennsylvania	:	

**BRIEF/FINAL COMMENTS OF
SPRINT COMMUNICATIONS COMPANY, L.P.
AND THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA**

NON-PROPRIETARY VERSION

Zsuzsanna E. Benedek, Esquire
The United Telephone Company of
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Dated: April 18, 2001

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CONSULTATIVE REPORT ON
APPLICATION OF VERIZON
PENNSYLVANIA, INC., FOR FCC
AUTHORIZATION TO PROVIDE IN-
REGION, INTERLATA SERVICE IN
PENNSYLVANIA**

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:
:

DOCKET NO. M-00001435

**BRIEF/FINAL COMMENTS OF
SPRINT COMMUNICATIONS COMPANY, L.P. AND
THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA**

NON-PROPRIETARY VERSION

Pursuant to the Briefing/Final Comments Order, Sprint Communications Company, L.P. and the United Telephone Company of Pennsylvania (collectively as "Sprint") hereby file this final brief regarding Verizon Pennsylvania Inc.'s ("Verizon's") request for a consultative report related to Section 271 of the Telecommunications Act of 1996 ("Act").¹

INTRODUCTION AND SUMMARY

Verizon's 271 filing continues to press forward at breakneck speed from a procedural standpoint. In less than 60 days, Verizon will likely file with the FCC its request for authority to provide in-region, interLATA long distance service in Pennsylvania pursuant to Section 271 of the Act.² The Pennsylvania Public Utility Commission ("PUC" or "Commission") is presently anticipating that it will submit its

¹ Pub. L. No. 104-104, 110 Stat. 56 (1996) (codified at scattered sections of 47 U.S.C.).

² Tr. at 31 (April 5, 2001), lines 15-16; Tr. at 33 (April 5, 2001), lines 4-11.

consultative report to the FCC sometime in June, 2001, after KPMG files its Final Report to Commission on May 31, 2001.³

At this stage, the temptation is strong, no doubt, to reduce Verizon's compliance with the 14-point competitive checklist to questions of whether Verizon has in some simplistic manner undertaken some effort relative to each checklist obligation.⁴ The obligations set forth in the Act, however, require considerably more of Verizon than what Verizon has been willing to undertake, as elicited on this record. In short, while it may be politically appealing to give Verizon's application a forgiving review, that is not what is called for under the Act.

To be blunt at the outset, this case is not about delaying Verizon's entry into the long distance marketplace for the pure sake of delay.⁵ Sprint would not oppose Verizon's entry into the long distance market in Pennsylvania *if Verizon first fully complied with the market-opening conditions in the Act and with all other applicable law, including the Commission's Global Order and subsequent orders.*

As it stands, Sprint and the other CLECs do not have the financial resources or the political clout to sustain a campaign that would rival Verizon's efforts relative to 271 approval. Indeed, a number of CLECs are on the financial ropes, just trying to stay in business.

Understanding that Verizon's entry into the long distance market will have immediate and significant results, while the ability of CLECs to enter the local market

³ Tr. at 32 (April 5, 2001), lines 9-24.

⁴ Throughout the technical conferences in this case, Verizon has been quick to resort to simplistic assessments of its compliance with the Act, such as the mere existence of collocation arrangements or interconnection agreements.

⁵ See, Attachment 1, the Affidavit of Dr. David T. Rearden.

continues to be delayed by the tactics of Verizon, the Commission should not allow Verizon to seek FCC approval until the contemplated proceedings are concluded and Verizon's complete compliance with the 14 point checklist is secured.

Since the filing of Initial Comments in this matter, Sprint has been ever-increasingly concerned that critically important issues will be overlooked in the drive to the 271 finish line.

In this Introduction, Sprint will highlight the significant concerns still lingering regarding Verizon's request for 271 approval in Pennsylvania and will provide an update of the issues raised by Sprint in its Initial Comments.

First, regardless of a CLEC's mode of local market entry, regardless of the services provisioned, and regardless of actual experience with ordering and operations, Verizon has exhibited the same type of belligerent pattern of conduct relative to its obligations under the Act. As to Sprint's experience, there have been endless hurdles and obstacles primarily associated with the interconnection and collocation practices of Verizon.⁶ For example, as noted in Sprint's Comments, Verizon's Geographically Relevant Interconnection Points ("GRIP") policy is unreasonable and inconsistent with the FCC's rules and regulations because it dictates where a CLEC can, and should, expand its network to compete with Verizon.⁷ Similarly, Verizon refuses to treat local calls made through a operator services platform as "local" for reciprocal compensation. Likewise, Verizon refuses to resell stand alone vertical features and thereby dictates

⁶ Verizon would not interconnect with Sprint using 2-way trunking, so Sprint included this issue in its Comments at 12–13, (February 12, 2001). During the course of this proceeding, Verizon and Sprint entered into an amendment to their existing interconnection agreement for the provisioning of 2-way trunks.

⁷ Sprint Comments at 13–17, (February 12, 2001).

and limits the service options that can be offered to consumers by CLECs.

Second, Verizon's blatant disregard of its existing legal obligations provide no assurance that Verizon will do an "about face" and suddenly undertake reasonable and non-discriminatory practices if the Commission handed Verizon a favorable recommendation for 271 purposes. The evidence adduced in the pending UNE proceeding as to Verizon's selective interpretation of the Commission's Global Order and its arrogant disregard concerning implementation of the interim Code of Conduct ordered by this Commission approximately sixteen (16) months ago in the Global Order⁸ can not be ignored. If anything, the parties and the Commission can expect Verizon's conduct to become less cooperative after 271 approval is obtained.

Third, Verizon's pattern and conduct and its behavior regarding the implementation of binding legal requirements has caused significant delay as to actually achieving the benefits intended under the Global Order. As a result, several follow-up technical conferences and additional measures for requiring Verizon to make UNEs available have been recommended in the UNE proceeding. Similarly, the Commission's April 11, 2001 Opinion and Order in the Verizon structural separation proceeding set forth a whole host of additional regulatory requirements. Finally, Verizon has refused to present any evidence of any specific plan or proposal as to how it will comply with Section 251(c) relative to VADI in the aftermath of the D.C. Circuit Court of Appeals decision in *Association of Communications Enterprises v. FCC*, 2001 U.S. App. LEXIS 217 (January 9, 2001). These new requirements are undeniably designed to impact Verizon's existing and future compliance with the Act and thereby the market-opening obligations contained in the Act. It would be premature for the Commission to issue a

favorable recommendation on Verizon's 271 filing prior to, for example, the untangling of Verizon's willfully flawed costing methodology for UNE rates.

A regional Bell operating company, such as Verizon, must provide *actual* evidence of its compliance with 271's competitive checklist instead of *promises* of future performance or behavior. The FCC has stated:

In addition, the [FCC] has found that a BOC's promises of *future* performance to address particular concerns raised by commenters have no probative value in demonstrating its *present* compliance with the requirements of Section 271. In order to gain in-region, interLATA entry, a BOC must support its application with actual evidence demonstrating its present compliance with the statutory conditions for entry, instead of prospective evidence that is contingent on future behavior. Thus, we must be able to make a determination based on requirements of Section 271.⁹

This Commission should require that Verizon must fully meet its lawful obligations prior to interLATA entry.

Fourth, Sprint in its Initial Comments addressed concerns relative to four (4) of the 14-point checklist items. In the initial round of Comments, numerous parties provided evidence that Verizon is falling far short of satisfying its obligations to satisfy most of the 14 point checklist items, as set forth in the matrix set forth at Attachment 2. Some of those initial concerns regarding Verizon's conduct were further amplified by several participants that presented compelling instances of a clear pattern associated with Verizon's conduct.

⁸ See, Section D, *infra*. ("Pending Litigation").

⁹ Memorandum Opinion and Order, *In re: Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Services in the State of New York*, 15 FCC Rcd. 75 (Dec. 22, 1999), *aff'd*, *AT&T Corp. v. FCC*, 220 F.3d 607 (D.C. Cir. 2000) ("New York 271 Order") at ¶36 (citations omitted).

The CLECs participating in the commercial availability phase of this case also have documented numerous instances of disparate treatment accorded to the participating CLEC when compared with the treatment accorded by Verizon to its own data affiliate, VADI.¹⁰ Less than five (5) months before Verizon anticipates filing for FCC approval of in-region, interLATA authority in Pennsylvania, the record demonstrates that virtually all, *****BEGIN PROPRIETARY***[] ***END PROPRIETARY***** line sharing orders submitted to Verizon in Pennsylvania were VADI orders, based upon January, 2001 data.¹¹ Similarly, Verizon on the record admitted that, for Pennsylvania, it did not anticipate *initiating* OSS development for line splitting measurements until October of 2001.¹²

The FCC has stated that, while isolated instances of unfair or discriminatory conduct by a BOC would not provide the basis for withholding action on a Section 271 application, evidence of a number of incidents might “constitute a pattern of discriminatory conduct that undermines [its] confidence that Bell Atlantic’s local market is open to competition and will remain so after Bell Atlantic receives interLATA authority.”¹³

¹⁰ See, Covad Comments upon February, 2001 C2C Performance (February 12, 2001) at 5, 8-9.

¹¹ In-hearing Data Request No. 39, Rhythms Links, Inc. to Verizon indicates that ***** BEGIN PROPRIETARY*** [] ***END PROPRIETARY*****

¹² Tr. at 38 (lines 21-25) and 39 (line1), (February 1, 2001). Verizon has tried to downplay its obligation by insinuating that CLECs are not ready to undertake line splitting. Verizon Exhibit 22. Verizon’s attempt to excuse itself must fail for two reasons. First, it fails to acknowledge that it is Verizon with the 271 statutory obligations. Second, its rests upon the flawed assumption that its legal requirements are somehow only activated by the business plans of competitors. Sprint can find no such condition precedent to the FCC’s rulings on this issue or in the language of the Act.

¹³ New York 271 Order ¶ 444.

In the Michigan II Order, the FCC in the context of their public interest review stated as follows:

Because the success of the market opening provisions of the 1996 Act depend, to a large extent, on the cooperation of incumbent LECs, including the BOCs, with new entrants and good faith compliance by such LECs with their statutory obligations, evidence that a BOC has engaged in a pattern of discriminatory conduct or disobeying federal and state telecommunications regulations would tend to undermine our confidence that the BOC's local market is, or will remain, open to competition once the BOC has received interLATA authority.¹⁴

The Commission now has before it evidence illustrating that the Pennsylvania local market is not irreversibly open to local competition. When the experiences of the various CLECs are viewed in the aggregate, it is apparent that Verizon has consciously determined to: (1) engage in a pattern of discriminatory conduct; and (2) disregard state and federal obligations. At this juncture, 271 approval is most definitely premature.

Finally, Sprint notes that it has endeavored to actively participate in the Commission's 271 process to the extent that resources permitted and to the level that first-hand experience with Verizon's practices allowed.¹⁵ Despite the positive strides made by the Commission and notwithstanding the endless difficulties experienced with Verizon, Sprint remains deeply committed to working with the Commission – and

¹⁴ See, *In the Matter of Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan*, CC Docket No. 97-137, 12 FCC Rcd 20543; 1997 FCC LEXIS 4454 (Adopted August 19, 1997) (Michigan II Order) at ¶ 397 (emphasis supplied).

¹⁵ For these reasons, Sprint has not participated in Track B or the commercial availability phases of this 217 proceeding.

Verizon – regarding the roll-out of its ION product, as set forth in the attached affidavit by Dr. David T. Rearden.¹⁶

Sprint recognizes the difficult task before the Commission. However, the long distance market is already competitive. As the attached affidavit of Dr. David T. Rearden:

88 and 60. These are the number of days that it took Verizon New York and SBC Texas to equal the long distance market share of Sprint in those respective states after 271 authority was granted. At this point, each of those companies have doubled Sprint's market share. Of course, it took Sprint a decade and a half to garner its market share, while the RBOCs accomplished that feat in days. That's competition, so no complaints about that from Sprint. However, Sprint does strongly oppose premature 271 approval when the evidence shows that the carrier with the local subscriber is more likely to gain and retain long distance subscribers than vice versa.

Attachment 1, Affidavit of Dr. David T. Rearden at ¶¶9.

Understanding that Verizon's entry into the long distance market will have immediate and significant results, while the ability of CLECs to enter the local market will continue to be delayed by the tactics of Verizon, the Commission should not in its consultative report to the FCC recommend 271 approval until Verizon's compliance with the 14-point checklist, as well as all applicable legal requirements, is secured.

¹⁶ Sprint has invested approximately \$1.5 billion on ION. If and only if Verizon fully complies with the requirements of Section 271, will Sprint have a meaningful opportunity to compete with Verizon, by means of its ION product. In order to do so, Sprint requires use of Verizon's network to provision ION. What this means is that Sprint must collocate in Verizon's central offices (which also raises important issues about timely and efficient access to those central offices). Of course, DSL-capable loops need to be available, but also collocation space is necessary to provide the actual DSL service. Sprint has obviously committed to integrated services local market entry via its extensive investment in ION.